

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 150376/HK	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/CZ2004/000024	International filing date (day/month/year) 28.04.2004	Priority date (day/month/year) 30.04.2003	
International Patent Classification (IPC) or national classification and IPC A62D3/00			
<p>Applicant USTAV CHEMICKYCH PROCESU AV CR ET AL.</p>			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau) a total of sheets, as follows:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</i></p>			
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 			
Date of submission of the demand 26.10.2004	Date of completion of this report 29.09.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentiaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Lehnert, A Telephone No. +31 70 340-4234		



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CZ2004/000024

Box No. I Basis of the report

- With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
 - With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-13 as originally filed

Claims, Numbers

1-3 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:

 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/CZ2004/000024

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	
	No:	Claims	1-3
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-3
Industrial applicability (IA)	Yes:	Claims	1-3
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/CZ2004/000024

Re Item V.

- 1 The following documents are referred to in this communication:
D1 : US 5 276 250 A (HAGENMAIER HANSPAUL ET AL) 4 January 1994 (1994-01-04)
D2 : US 6 303 812 B1 (SAVIDAKIS MICHAEL C ET AL) 16 October 2001 (2001-10-16)
D3 : US 3 989 806 A (HYATT DAVID E) 2 November 1976 (1976-11-02)
D4 : EP 1 048 327 A (TAGAWA SADAKO ; SHINETSU CHEMICAL CO (JP)) 2 November 2000 (2000-11-02)

2 NOVELTY

In response to the applicant's letters of 10.09.2004 and 27.07.2005 the novelty objections based on D1 - D4 are maintained.

A document is novelty destroying as long as it discloses (explicitly or implicitly) all the technical features of a claim. Documents D1-D4 do indeed disclose all the features of claims 1-3 as discussed below.

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-3 is not new in the sense of Article 33(2) PCT.
Document D1 (see claims, example 17) discloses the dehalogenation of halogenated aromatic compounds at 350 - 500 °C in the presence of a mixed CuO/Cr₂O₃ catalyst on a silica support. The material to be detoxified may be fly ash. The Cr₂O₃ has the character of a reducing substance. Metallic copper may be used as well.
- 2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-3 is not new in the sense of Article 33(2) PCT.
Document D2 (see column 2, lines 5 - 18) discloses the dehalogenation of haloaromatic compounds in the presence of copper and propionic acid as a reducing agent.

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**INTERNATIONAL PRELIMINARY
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International application No.
PCT/CZ2004/000024

2.3 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-3 is not new in the sense of Article 33(2) PCT.
Document D3 discloses the dehalogenation of hexachlorobenzene with copper on zeolite (reducible copper halides may be used) at temperatures between 300 and 500 °C.

2.4 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
Document D4 discloses copper (see paragraph [0024]) in admixture with a hydrogen-containing organosilicon compound, used for dehalogenation of chlorinated organic compounds (see claims 1-4).